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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/137,198	08/20/1998	NORMAN J. BEAMISH	ROKWELL.039A	2615

20995 7590 02/05/2003

KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER

KUMAR, PANKAJ

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 02/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/137,198	BEAMISH ET AL.
Examiner	Art Unit	
Pankaj Kumar	2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11/21/2002.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 1/21/2002 have been fully considered but they are not persuasive.
2. The office respectfully traverse's applicant's argument that Sumner only teaches a single mode, that of power hopped direct sequence spread spectrum. The office states that Sumner shows modes DSSS and FHSS. Sumner shows mode DSSS with 102 in figures 2 and 3 and element 402 in figures 7, 8. Sumner shows mode FHSS with 112 and 124 in figures 2 and 3 and elements 404 and 502 in figure 8. Sumner shows in figure 2 a first transmitter and in figure 3 a second transmitter (Sumner col. 3 lines 10 to 14). Some of the elements of figure 2 are rearranged in figure 3. In figure 3, the power is adjusted using 124 for various frequencies 120. Similarly in figure 2, the first 122's output which will be at frequency F1 will be changed to a different power level based on P1 than the second 122's output which will be at frequency F2 will be changed to a different power level based on P2. Since power for frequency F1 can be low at time 1 and high at time 2 and power for frequency F2 can be low at time 2 and high at time 1, Sumner teaches frequency hopping (FH). The output of 110, which is what 122 works on is a spread spectrum (SS) signal. Thus, Sumner teaches FHSS.
3. The output of 110, is not only a spread spectrum (SS) signal (since the signal is at low energy over a wide bandwidth) it is also a direct sequence spread spectrum signal (DSSS) (since there was a code sequence 106 directly multiplied with the information 108 to produce the output out of 110). Thus, Sumner's invention can be in a mode at a certain time in which the power

levels are constant, and during this mode, the output of 124 will just be a DSSS signal since frequency hopping will not occur.

4. Just because Sumner says that the power hopping sequence output is in parallel, that does not mean that the power of the different frequencies is the same. In fact, Sumner shows that the power of individual frequencies is different in figures 2 and 3 with a P1 for F1 and a P2 for F2 and a PN for FN.

5. Applicant contends, on page 3 of the arguments, that Sumner's power hopping sequence generator 126 does not selectively activate elements 102 and 112 and thus there cannot be two modes – DSSS and FHSS. The office respectfully traverses this since Sumner clearly shows in figures 2 and 3 that the power level is designed to be individually selectable for different frequencies (i.e. P1 is associated with F1, P2 is associated with F2, etc.). Also, the office arguments made above apply.

6. Also, it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

7. As per applicant's arguments regarding receiving FHSS and DSSS in Sumner's figures 5 and 6, the office traverses applicant's argument that figures 5 and 6 are not able to demodulate both DSSS and FHSS signals. FHSS signals are being demodulated via the hopping code sequence generator, carrier tracker, and carrier generators and the multipliers 310. DSSS signals are being demodulated using RSSI, spreading code tracker, spreading code generator and the multiplier 316.

***Response to Amendment***

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12, 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Sumner USPN 5805634.
3. As per claims 1-12, see prior action for details
4. Claims 15 to 19 have been discussed above and in the prior action.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Griffis USPN 4470070.
3. See prior action for details.

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4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sumner USPN 5805634.

5. As per claim 14, Sumner teaches a cordless telephone (Sumner Field of Invention "This invention relates in general to radio communication systems . . ." ) dual mode (Sumner Title " . . transmitting and receiving . . . ") wireless transceiver comprising: a direct sequence spread spectrum transmitter means for modulating an input signal as a direct sequence spread spectrum signal; a frequency hopping spread spectrum transmitter means for modulating the input signal as a frequency hopping spread spectrum signal; a mode selection means coupled to said direct sequence spread spectrum transmitter means and to said frequency hopping spread spectrum transmitter means for selecting either said direct sequence spread spectrum transmitter means to transmit said input signal (Sumner does not teach transmitting said input signal; Sumner teaches transmitting a signal derived from said input signal via other components. It would have been obvious to one skilled in the art at the time of the invention to modify Sumner to teach transmitting said input signal since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.) as a direct sequence spread spectrum signal (Sumner: DSSS signal is being transmitted using a number of interpretations including the interpretation that the signal is going from one component to another) or said frequency hopping spread spectrum transmitter means for modulating the input signal to transmit said input signal (Sumner does not teach transmitting said input signal; Sumner teaches transmitting a signal derived from said input signal via other components. It would have been obvious to one skilled in the art at the time of the invention to modify Sumner to teach transmitting said input signal since it has been held that rearranging parts of an invention

involves only routine skill in the art. In re Japikse, 86 USPQ 70.) as a frequency hopping spread spectrum signal; (Sumner: FHSS signal is being transmitted using a number of interpretations including the interpretation that the signal is going from one component to another) and a receiver capable of receiving and demodulating both direct sequence spread spectrum modulated signals and frequency hopping spread spectrum modulated signals (remainder discussed above in respect to other claims).

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pankaj Kumar whose telephone number is (703) 305-0194. The examiner can normally be reached on Monday through Thursday after 8AM to after 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (703) 305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

PK  
February 3, 2003

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600  
